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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/502,098

07/22/2004

Masaaki Takido

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136 7590 08/22/2008
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EXAMINER

ROSASCO, STEPHEN D

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

08/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/502,098

Applicant(s)

TAKIDO ET AL.

Examiner

Stephen Rosasco

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

In response to the filing of an RCE the examiner withdraws the prior Office Action rejections and includes a new rejection here over newly cited art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Babler (5,075,195) or Yeung (6,617,515) in view of Harrison (6,855,910).

Yeung teaches (see claims) a marked article, comprising: an article with a surface comprising a composition comprising: A) PTFE; B) 0.01 to 5 wt. % of at least one titanium oxide pigment; and C) 0.1 to 5 wt. % of at least one organic polymer selected from the group consisting of arylene sulfide polymers, polyarylsulfones and polyetherketones, wherein said surface of said article has label marked with a laser over less than an entire surface of said composition. And wherein said PTFE is raw PTFE or sintered PTFE.

And wherein a marking contrast between said label marked with said laser on said surface of said article and a remaining portion not marked with said laser is greater than 82%.

The teachings of Yeung differ from those of the applicant in that the applicant teaches that the marked area is fluffed and that the fluffed portion has a white based color contrast with the non-irradiated surface.

Harrison teaches (see claims and col. 5, line 31+) - 1) The use of laser or diode based radiation to rapidly elevate the temperature of the marking material atop the substrate to form a new marking layer atop the substrate. 2) a single laser beam pass is all that is required. 3) Selecting marking materials specially formulated to react with specific substrate materials using laser or diode based radiation as the catalyst. 4) Speed with which the mark can be produced. 5) Speed with which the content of the mark can be changed. 6) Method of delivery of marking material to the substrate surface. 7) Marks can be applied to glass and other brittle surfaces without fracturing. 8) Enhanced contrast and/or color of mark. 9) Two-, three-, or four-color images can be marked with near photo quality. 10) Elimination of any firing step of entire workpiece. 11) Ability to first ablate (if desired) and then mark selected substrates to create 3D high-contrast markings with a simple two-step process. 12) Using relatively low-cost, low-contaminating marking materials (glass frits, mixed metal oxides, or mixed organic pigments) instead of silver oxides or other high-cost highly-toxic materials. 13) Higher resolution of imaged mark (greater than 1000 dpi).

It would have been obvious to one having ordinary skill in the art to take the teachings of Babler or Yeung and combine them with the teachings of Harrison in order to make the claimed invention because it is known that the laser etching of PTFE will leave a fluffed portion and it would be obvious to make the color contrast the sharpest in the area that is to be marked.

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Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stephen Rosasco whose telephone number is (571) 272-1389. The Examiner can normally be reached Monday-Friday, from 8:00 AM to 4:30 PM. The Examiner's supervisor, Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S. Rosasco/
Primary Examiner, Art Unit 1795

S.Rosasco
08/20/08